

1 against Ciena and all claims by Ciena against Oyster made therein with prejudice to the re-filing
2 and request that the Court Order same.

3 The parties further stipulate that the Court order that all costs and expenses relating to
4 this litigation (including attorney and expert fees and expenses) shall be borne solely by the party
5 incurring them.

6 A proposed Order accompanies this motion.

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8 DATED: November 22, 2023

By: /s/ Paul A. Kroeger

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19 DATED: November 22, 2023

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6 *Attorneys for Defendant*
7 CIENA CORPORATION

8 IT IS SO ORDERED. The Clerk shall close this file.

9 Dated: November 22, 2023

10 
UNITED STATES DISTRICT ~~MAGISTRATE~~ JUDGE
JEFFREY S. WHITE

11 **CERTIFICATE OF SERVICE**

12 I hereby certify that the counsel of record who are deemed to have consented to
13 electronic service are being served on November 22, 2023, with a copy of this document via the
14 Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served
15 by electronic mail, facsimile transmission and/or first class mail on this same date.
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18 /s/ Paul A. Kroeger
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SIGNATURE ATTESTATION

The undersigned attests that, pursuant to Local Rule 5-4.3.4(a)(2), concurrence in the filing of this document has been obtained from counsel for all other signatories listed, and on whose behalf the filing is submitted, and counsel concur in the filing's content and have authorized the filing.

Dated: November 22, 2023

Respectfully submitted,

RUSS AUGUST & KABAT

/s/ Paul A. Kroeger

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